UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/078,051	02/15/2002	Pei-Yuan Zhou	50269-0516	6331

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EXAMINER
LOFTUS, ANN E

ART UNIT	PAPER NUMBER
3691	

MAIL DATE	DELIVERY MODE
11/23/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _08 September 2010_.
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _See Continuation Sheet_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1-4, 6-9, 11, 16, 25, 30, 31, 33, 36-39, 41-44, 46, 51, 60, 65, 66, 68, 71-74, 76, 77, 84, 85, 87-89, 98, 101, 116, 117, 119, and 124-156_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

Continuation of Disposition of Claims: Claims pending in the application are 1-4,6-9,11,16,25,30,31,33,36-39,41-44,46,51,60,65,66,68,71-74,76,77,84,85,87-89,98,101,116,117,119 and 124-156.

DETAILED ACTION

Status of the Claims

1.   This action is a response to an amendment filed 9/8/2010. The application was

filed on 2/15/02 with a provisional dated **2/17/01**.

Claims 1-4, 6-9, 11, 16, 25, 30, 31, 33, 36-39, 41-44, 46, 51, 60, 65, 66, 68, 71-

74, 76, 77, 84, 85, 87-89, 98, 101, 116, 117, 119, and 124-156 are pending.

Response to Arguments

2.   The applicant begins the remarks by listing the pending claims. Claims 12, 47,

97, and 100 are listed as pending, but marked as cancelled in the claim listing, and no

text is provided. These claims are considered as cancelled by the examiner.

3.   The applicant argues that Hahn fails to teach a feature related to pre-

authorization. Leveridge discloses a pre-authorization message in the context of an

intercepted message. Hahn is relied upon to disclose that storing pre-authorization

requirements in a profile is old and well-known. Hahn is relevant because it is directed

to a payment system. The amended language of claim 1 is addressed below.

4.   The applicant argues that the price in Mehta is sent separately, and not extracted

from the message. Leveridge discloses a price extracted from the message. This

amended language is addressed below.

Claim Objections

5.   Claims 130 and 148 are objected to because of the following informalities: These

claims appear to refer to the same entity first as "the requestor" and later as "the

particular participant". Please align the language, unless some other interpretation is

argued. Appropriate correction is required.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 1-4, 6, 8, 9, 11, 16, 31, 33, 36-39, 41, 43, 44, 46, 51, 66, 68, 71-74, 77,

84, 85, 88, 89, 98, 101, 116, 117, 119, 124, 125, 127, 129-132, 135-143, 145, 147-150,

and 153-156 are rejected under 35 U.S.C. 103(a) as being unpatentable over US

2002/0131404 (09/997,402) filed 11/28/2001 (provisional 11/28/2000) by Mehta et al. in

view of WO 99/31610 (PCT/GB98/03752) filed in GB 12/15/97, and published 6/24/99,

by Leveridge.

As to claims 1, 38, 116, and 139, Mehta discloses recording interactions reflected

in messages in paragraph 76 page 7.

Mehta paragraph 9 page 1 discloses intercepting a message that has been sent

from a first participant to a second participant prior to said message arriving at said

second participant. (Verifying the requested content involves intercepting the reply from

the provider.)

Mehta paragraph 9 page 1 discloses intercepting the message is performed by

an intercepting device deployed between the first participant and the second participant.

Mehta paragraph 9 page 1 discloses the message has the address (URL) of the

second participant, but does not disclose that the message itself is addressed to the

second participant. **Leveridge** discloses this in page 8. It would have been obvious to a

person of ordinary skill in the art at the time of the invention to modify Mehta to add the

message is addressed to the second participant in order to make it quick and easy to

retransmit. (Claims 116 and 139 specify that the message is addressed to the

requestor. This is an application of a disclosed technique, basically applying Leveridge's

addressing technique to the return message. It would have been obvious to a person of

ordinary skill in the art at the time of the invention to apply this technique with

predictable results and a reasonable expectation of success to keep track of which

requestor wanted the content.)

Mehta paragraph 9 page 1 discloses the first participant is one of a requestor and

a provider, and the second participant is the other of the requestor and the provider.

Mehta paragraph 9 page 1 discloses the message is addressed to or addressed

from a particular address,

Mehta paragraph 9 page 1 discloses the particular address being a unique

Internet Protocol address, and the particular address is associated with the provider (a

URL includes an IP address).

Mehta discloses in paragraph 60 page 4 the provider provides a plurality of different types of content in response to requests addressed to the particular address.

Mehta paragraph 9 page 1 discloses the intercepting device is managed by a third party that is different from the requestor and the provider.

Mehta paragraph 9 page 1 discloses based on the intercepted message, software managed by the third party performing the steps and discloses wherein the method is performed by one or more computer devices. (MAS).

Mehta paragraph 9 page 1 discloses determining what content is being provided by or requested from the provider in the message.

Mehta discloses determining payment requirements, as in paragraphs 86-87. Mehta does not disclose determining whether the requestor is required to pre-authorize payment for the content. Leveridge discloses in the abstract the requestor pre-authorizes payment for the content. It would have been obvious to a person of ordinary skill in the art to combine these elements with predictable results and a reasonable expectation of success to get determining whether the requestor is required to pre-authorize payment for the content, in order to provide flexible payment options.

Mehta discloses before the content is delivered to the requestor, determining payment requirements, and retransmitting the message to allow the requestor to obtain the content in paragraph 86 page 9, and claims 17-18. Mehta does not disclose sending the requestor a payment authorization request message, and detecting that the requestor has authorized payment for the content, Leveridge in the abstract discloses sending the requestor a payment authorization request message, and detecting that the

requestor has authorized payment for the content. It would have been obvious to a

person of ordinary skill in the art at the time of the invention to modify Mehta to add this

feature in order to avoid charge-backs and requestors contesting charges.

Further as to claims 116 and 139, Mehta discloses a message includes a price at

which the provider is willing to provide content in Fig 11F and G. Mehta discloses in

paragraph 76 page 7 sending billing data to the billing service. Mehta does not disclose

reading the price from the message, and the price that was extracted from the message

by the software managed by the third party. Leveridge discloses in page 2 lines 6-12

reading the price from the message, and the price that was extracted from the message

by the software managed by the third party. It would have been obvious to a person of

ordinary skill in the art at the time of the invention to modify Mehta to add this feature in

order to get the latest price direct from the provider.

As to claims 2, 88, 117 and 140, Mehta discloses in paragraph 76 page 7

determining that the content is being or has been provided to the requestor by the

provider through the intercepted message, and sending data about the payment to the

billing service occurs in response to this determining.

As to claims 3, 129, and 147, Mehta does not disclose the third party performs

the step of requesting payment authorization (claims 129 and 147 from the requestor)

on behalf of the provider. Leveridge discloses this feature in the abstract. It would have

been obvious to a person of ordinary skill in the art at the time of the invention to modify

Mehta to add this feature in order to avoid charge-backs and requestors contesting

charges.

As to claims 73, 84, 125 and 143, Mehta discloses in paragraph 76 page 7 generating a log of the message, and sending data to a billing service based on the log.

As to claims 4 and 39, Mehta discloses in paragraph 76 page 7 using the log to charge a particular participant for content, wherein said particular participant is one of said first participant and second participant.

As to claims 6, 41, 127 and 145, Mehta discloses in paragraphs 76 and 77, pages 7-8 the log includes information to indicate how much the first participant or the second participant is to pay for the content. Note that "information to indicate" is broader than an exact price or amount to charge. However, Mehta recites prepaid accounts stored and maintained by the Billing Manager; in this case the Billing Manager would have to have price information to correctly debit the accounts.

As to claims 8, 43, 130, and 148, Mehta discloses in paragraph 86 page 9 determining that a particular participant/requestor of the first participant and second participant must pre-pay for the content, and determining whether the particular participant has sufficient funds to pay for the content; and determining how to handle said message based on whether said particular participant has sufficient funds to pay for the content.

As to claims 9, 44, 131 and 149, Mehta discloses determining that the requester must pre-pay for the content in paragraph 86 page 9. The information used to determine this is billing information. Mehta discloses in paragraph 98 page 11 billing information in a profile. Mehta's profiles are application profiles, but applications are associated with providers through the URLs, and so the profile is associated with a provider. Thus

Mehta discloses inspecting a provider profile to determine that the requestor must pre-pay.

As to claims 11 and 46, Mehta discloses a message is a response from a provider in paragraph 140 page 18. Mehta discloses a message from the provider includes a price at which the provider is willing to provide the content in paragraph 98 page 11.

As to claims 16, 51, 132 and 150, Mehta discloses in paragraph 77 page 8 decrementing an account balance of the first participant or second participant (claims 132 and 150 based on the price) when the requestor accesses the content.

As to claims 31, 33, 66, 68, 135, 136, 153 and 154, Mehta discloses in paragraph 86 page 9 determining whether the requestor has funds to pay for the content based on an authorization source, and the authorization source is one of a profile, a billing system, and a billing scheme of an access provider.

As to claim 36, 71, 137 and 155, Mehta discloses determining whether the provider is an authorized partner in paragraph 91 pages 9-10 and 135 pages 16 and 17. Claims 36 and 71 recite retransmitting to the provider. Mehta does not disclose retransmitting the message to the provider to obtain the content. Leveridge discloses on page 8 retransmitting the message to the provider (third party server) to obtain the content. It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Mehta to add this feature in order to make it quick and easy to retransmit. Claims 137 and 155 recite retransmitting to the requestor. Mehta discloses in paragraphs 86 and 87 retransmitting to the requestor (the download request) when a

condition is fulfilled. Here the condition is sufficient funds, but it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the disclosed concepts with predictable results and a reasonable expectation of success to get if the partner is an authorized partner, retransmitting the message to the requestor.

As to claims 37 and 72, Mehta discloses determining whether the content involves a fee in paragraph 135 page 7. Mehta paragraph 98 page 11 discloses the provider suggesting a price. Mehta discloses storing data in profiles in paragraph 73 page 7. It would have been obvious to a person of ordinary skill in the art at the time of the invention that the suggested price could be stored in a provider profile, and then the profile would be inspected to determine if the content involves a fee. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine these disclosures with predictable results and a reasonable expectation of success, in order to have an organized way of storing the information to make access easier and faster.

Mehta discloses establishing a secure connection in paragraph 13 page 2, and authenticating the provider by using an authentication mechanism (logging into an account) in paragraph 97 page 11.

As to claims 74, 85, 124 and 142, Mehta discloses in the abstract the software managed by the third party is executed by the intercepting device.

As to claims 77, 89, 119 and 141, Mehta discloses in paragraph 114 page 14 billing the provider for providing the content (a paying advertiser).

As to claim 98 and 101, Mehta discloses in paragraph 9 page 1 identifying the

provider based on the address and determining the type of the content is based on a

URL path.

As to claims 138 and 156, Mehta paragraph 9 page 1 discloses determining

what content of the plurality of different types of content provided by the provider at the

particular address, is being provided by or requested from the provider in the message.

Mehta paragraphs 76-77 pages 7-8 discloses determining whether the content has

billing implications and if the content has billing implications, sending billing data to a

billing service, the billing data being based on the determined content

8.   Claims 7, 42, 76, 87, 126, 128, 144 and 146 are rejected under 35 U.S.C. 103(a)

as being unpatentable over Mehta in view of Leveridge as applied above, further in view

of US Patent 6873691 filed 4/6/99 by Malik.

As to claims 7, 42, 128 and 146, Mehta does not teach reading a plurality of logs

at an aggregation engine that places access information contained in said logs into the

format required by a billing system. Malik teaches in col 17 line 40 to col 18 line 37

reading a plurality of logs at an aggregation engine that places access information

contained in said logs into the format required by a billing system. It would have been

obvious to a person of ordinary skill in the art at the time of the invention to modify

Mehta to add reading a plurality of logs at an aggregation engine that places access

information contained in said logs into the format required by a billing system in order to

condense the message data into a more useful form and save storage.

As to claim 76, 87, 126 and 144, Mehta does not teach an aggregation engine.
Malik teaches an aggregation engine in col 17 line 40 to col 18 line 37. The location of
execution has no functional relationship with the manipulative steps or structure and is
given little patentable weight, especially since it would have been obvious to a person of
ordinary skill in the art at the time of the invention to move the code. It would have been
obvious to a person of ordinary skill in the art at the time of the invention to modify
Mehta to add an aggregation engine in order to consolidate the transaction information
and save space.

9.   Claims 25, 60, 133 and 151 are rejected under 35 U.S.C. 103(a) as being
unpatentable over Mehta in view of Leveridge as applied above, in view of US Patent
No. 5502636 filed Jan 31, 1992 by Clarke.

As to claims 25, 60, 133 and 151, Mehta claims 18 and 19 teaches a requestor
profile. Mehta does not specifically teach updating the profile to award the service
requestor a prize for having requested said service. Clarke in claim 6 teaches updating
the profile to award the service requestor a prize (coupon) for having requested said
service. Prize is broadly interpreted as any item given. It would have been obvious to a
person of ordinary skill in the art at the time of the invention to modify the Mehta to add
updating the profile to award the service requestor a prize for having requested said
service because it helps to motivate repeat business.

10.   Claims 30, 65, 134 and 152 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Mehta in view of Leveridge as applied above and further in view of

US Patent No. 6704612 filed 12 May 1999 by Hahn-Carlson, hereafter known as Hahn.

As to claims 30, 65, 134 and 152, Mehta in claims 18 and 19 discloses inspecting

a profile to determine whether the requestor has sufficient funds. Leveridge discloses in

the abstract sending the requestor a pre-authorization message. Mehta in view of

Leveridge does not specifically teach inspecting a profile to determine whether the

service requestor requires pre-authorization for the service.

Hahn teaches inspecting a profile to determine whether the requestor requires

pre-authorization for the content in claims 1, 11 and 16. It would have been obvious to a

person of ordinary skill in the art at the time of the invention to modify Mehta in view of

Leveridge to add inspecting a profile to determine whether the service requestor

requires pre-authorization for the service, sending the service requestor a payment

authorization request message, and receiving a payment authorization in order to

document a purchaser's agreement to pay and avoid denial of payment later.

Conclusion

11.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant

is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

12.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure: US 6,868,267 by Briggs et al.; US 6, 199,054 by Khan et al., and

US 2003/0005878 by Olin et al.

13.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Ann Loftus whose telephone number is 571-272-7342.

The examiner can normally be reached on M-F 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Alex Kalinowski can be reached on 571-272-6771. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AL

/Lalita M Hamilton/

Primary Examiner, Art Unit 3691